

The School Admissions Code published 2 November 2011

Comprehensive Future made a response to the Draft School Admissions Code in August 2011, the points we made are briefly listed here with reference to how if at all the Code has changed from the consultation. Code reference in italics, following points made.

Recently the Education Select Committee had an evidence session on the consultation on the Code. Several concerns, similar to some Comprehensive Future had expressed, were raised.

<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/uc1513-i/uc151301.htm>

- There should be **no selection on ability or aptitude**. This would further simplify the Code, raise standards, reduce social segregation and increase parental choice.

Still allowed – would have saved another two pages- never mind the unfairness.

- **Effective scrutiny** becomes less likely if admission forums disappear, school adjudicators' powers are reduced and local authorities do not use the powers they have. We wish to see the Education Bill amended so that the requirement to establish admission forums and the adjudicator's powers to impose admission arrangements remain. Since there is a reference to Admission Forums the Code should include an explanation of the role of admission forums and make the point that they may be locally available source of scrutiny for parents to contact.

Any reference to admission forums seems to have gone.

- If local authorities are to act as 'children's champions' **their role in ensuring fair admissions** should be set out clearly and specifically in the Code.

Does not seem to be much clearer.

- There is a weakness in the Draft Code as it is less detailed than the previous Code on what **admission authorities must consult upon** referring merely to 'full admission arrangements'. This could mean some admission authorities even

accidentally do not consult on all aspects. As in the current Code the Code should be specific about what is to be included as a minimum in admission arrangements consultation ie

- Admission numbers
- Application procedures
- Oversubscription criteria and how to be assessed
- Any supplementary information which will be required
- Information about tests
- Any entry requirements for yr 12
- Information about late applications
- Catchment areas if used

There is more detail (page 16) on whom AAs should consult but not about what. It will be difficult to meet the requirement to consult all parents of children 2-18. It is clear that failure to consult will be grounds for appeal.

- The need to parents to be able to be clear if their children are able to meet **over subscription admissions criteria** is a very important principle.

Page 9 -15

- Requirements on admissions criteria should include *In drawing up admission arrangements admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective so that parents are able to understand easily how places for that school will be allocated. **Still here as an overall principle but not in criteria***
- Policies around school uniform or school trips” should be amended to read ‘Other policies including those around school uniform or school trips’. **Kept specifically to these two.**
- Parents should not be required to sign or express a willingness to sign a home school agreement as a condition of admission as in the current Code. **This is not in the new Code, worrying.**
- Priority should not be given to children who have attended a nursery class attached to the primary school in question. **Not included**
- Children of staff (or governors) should not be given priority. This reduces opportunities for parents to have their preferences met. **Staff are to be given priority, only if been on the staff two years or in a shortage subject. Not clear if all staff or just teachers..**
- Siblings of pupils admitted under partial selection on ability or aptitude should not get priority as this is unfair. Siblings of former pupils should not be given sibling priority. On balance for the convenience of families there is a need to give siblings of current pupils priority but to allow siblings of former pupils to have priority is to reduce the opportunity of other parents to express a preference. This is particularly unfair on parents with only one child. **Siblings of former pupils are to be allowed to have priority.**
- Catchment areas should not be defined so as to include or exclude more or less favoured areas but should have a rational basis. Similarly, feeder schools should not be chosen to include or exclude certain favoured or less favoured schools. In an area where most admissions authorities use

feeder schools, no school should be omitted. ***Decisions on catchment areas and feeder schools to be 'reasonable'***

- The annual **Local Authority report on School Admissions** will be the major means by which local authorities assess what is happening locally. The minimum requirements for this report must include a duty to report on as to whether the admission arrangements of the admission authorities in their area comply with the requirements of the Code. These reports will be an important source of information on how the Code is operating. The current Code makes clear that these local authority reports were to 'play an important part in monitoring schools' compliance with the Code and ensuring an open and fair access system.' This should be made clear with equal importance given in the new Code. The deadline for their production must be brought forward. They must be produced before 30th June to allow any objections to the School Adjudicator using evidence from the report. They will be used by the Adjudicator in his annual report on fair access. It is important that the Code requires the local authority to publish the report in a way which ensures parents and schools locally are aware of its publication. If this document is to be useful it needs to include far more specific information so that parents are able to judge if admissions locally are operating fairly. Therefore the report must include whether the admission arrangements of all local schools comply with the Code; compliance with the primary school class size legislation; how appeals procedures are operating in relation to the requirements of the Code, the proportion of children eligible for free school meals in each school; the number of applications to each school and the number of places available; the number of in year applications and if there is an Admission Forum how to contact it.

Reports (page 28) again are to be an overview with no details, they are only to include how interests of looked after children, children the disabilities or SEN are served; effectiveness of FAPs, number of appeals lodged and upheld and 'any other issues' LA may wish to include'. Deadline coincides with deadline to go to Adjudicator so no use for objectors.

- It is essential that the local authority retains the responsibility for ensuring that no child is without a school place, **changes to in-year admissions** could result in problems. The Code must make clear what is meant by in-year applications. The Code needs a clear statement of the local authority's duty to ensure a school place for every child and to assist them in finding one. It is essential that local authorities have the resources to do this. If a parent approaches a school for a place and it is full, the school must provide the parent with the address and phone number of the local authority admissions section and explain that being on a waiting list does not necessarily mean getting a place. Local authorities cannot provide information to parents about places in the area unless admissions authorities have an obligation to notify the authority when an in year vacancy occurs. There must be a provision that all schools must notify the local authority of vacancies when children leave in year. If they do not, the local authority cannot keep up-to-date figures on the availability of places) and schools might

replace leavers (perhaps from the waiting list) without co-operating in the Fair Access scheme. Local authorities should have the power to direct any publicly funded school (ie including academies) to admit a child.

LAs (page 22) are not to be required to operate in year applications but must include how they are to operate in the composite prospectus. LAs are to provide information and the form to apply. Schools must inform LA of the application and its outcome. LA must make sure parents know of right to appeal. LA power to direct still only to maintained schools.

- As recommended by the Adjudicator **nationally agreed definitions of parents, siblings and distance to school** should be included in the Code. It is unfair if parents experience different definitions of, for example, what is meant by siblings at different schools or schools measure home school distances differently.

Definitions left to admission authorities.

- The authority must consult on **changes in PAN** as it is a change in admission arrangements and so they must consult in the same way as they must if proposing a change in admission arrangements. Objections can be made to the adjudicator so it is illogical not to include changes in PAN as changes to admissions. At the very least if this is not accepted rather than the requirement that the admission authority should notify 'such other persons as appears to have an interest' the Code should specify whom the admission authority should notify of an intended increase in their PAN, for example the LA, all schools in the relevant area (which is defined) and the admission forum. The views of parents of children in the school should also be taken into account. Clarification is needed as to whether children with statements are included in the PAN.

No requirement to consult (page 8) and no right to appeal to the adjudicator except for schools which object to PAN being too low.(pages 8 and 24.) Seems that expansion can happen with no right to object.

- Only **banding** across the range of ability in the local authority area should be allowed, with tests taken by all children at primary schools as in Hackney, rather than allowing schools to set their banding tests only for those applying and attending the school to take the test. This is unfair, discriminating against parents who may for many reasons might be unable to bring their children to a test or have not been aware of these conditions of entry. In areas where average achievement levels are relatively low if schools base their admissions on the national ability range, it is detrimental to other local schools attempting to achieve a balanced intake. The Departmental consultation in 2008 showed that LA wide banding had 'overwhelming' support over the other two arrangements allowed. Only this should be considered 'fair banding'. Some banding arrangements seem unnecessarily complicated. We fail to see why some admission authorities need to have banding for inner and outer areas, or need 9 bands when in the same area other admission authorities use 5 bands. This unnecessarily increases

complexity for parents. It should be clear to which 'test' the statement 'Priority must not be give within the bands according to the applicant's performance in the test' refers. In 2009 the DCSF produced guidance on banding which could be referred to here.

No change (page 13)

- The draft raises concerns about what might be the nature of 'demonstrable need' for the **Secretary of State to vary the requirement of academies to comply with the Code**. It is important that academies and free schools comply with the Code. Therefore an indication that there might be a need not to do gives cause for concern.

Our concerns increase as it seems that objections to the Adjudicator will not be allowed to variations agreed by the S of S in academy and free school funding agreements (pages 3 and 28)

- The **same conditions should apply to all admission authorities** for example if it is to be allowed that priority may to be given to children receiving the pupil premium all admission authorities should be able to do so.

No change, (footnote page 10) allows only free schools and academies to give priority

- The draft Code requires local authorities to publish admission arrangements by 1st May but sets the same deadline (1st May) for schools to inform local authorities of their arrangements. Instead **schools must be required to set and inform the local authority by the 15th April** to allow time for publication.

No change deadline for informing LA is the same as publication date.(page17)

- It is important that potential objectors can know about any changes schools are making, so ensuring clear communication and accessible publications will be vital. The most recent report from the Office of the School Adjudicator indicated that many admission authorities were not publishing their arrangements in time. **The Department must do more publicity at national level** about admissions, deadlines for publicity and how parents can find information.

Remains to be seen.

- It needs to be made clear that **the adjudicator** can make binding decisions on all aspects of admission arrangements not just specifically on those on which complaint has been made. It also needs to be made clear that objections can be made by anyone.

Seems (page 24) that anyone can object, but new restrictions have been included ie cannot object to own authority PAN increase or S of S agreed variation in

academy funding agreements (page 3). Adjudicator can ‘consider’ other arrangements which but can s/he rule on them?

- Parents should not be given the **test results before making applications**. This in practice gives two choices to some parents and does not treat all parents equally. Surely putting your child in for a selective entry test is expressing a preference?

Parents must be given test results (even for aptitude) before applying to other schools.(page 14)

- It should be open to local authorities to use **random allocation** for schools for which they are the admission authority if they wish. It is not clear on what evidence this change is based.

No change, LAs still restricted (page 14)

- It would simplify the Code if **faith schools** were the same as others: i.e. required to give first priority to looked-after children, whether of the faith or not. The whole point of giving priority to children in care is that they need to be placed in a school as soon as possible when they move to live with a carer and preferably close to home. Financial contributions to or voluntary work for a faith group or a place of worship should not be permitted criteria.

Designated faith schools may take account of religious activities. If they give priority to faith then looked after of the faith come before looked after not of the faith or of another faith (page 14-15)

- The Code should **prohibit the use of supplementary information** forms except for faith schools and then the requirement should be that the information sought is clear, objective and fair. The OSA (2009, 2010) recommended that the national religious bodies produce a model form. This should be implemented. Since selection on aptitude or ability is based on a test there is no need to ask for information on this on a supplementary information form. This could allow covert selection. As in the current Code the Code should stipulate that parents can obtain the supplementary forms from the local authority. Schools should be forbidden to require parents to attend the school to get them.

Does not require supplementary forms to be available from LA so parents will have to attend school to get it . There is a list of specific information which AAs must not ask for on the form (page 18).

- This draft and the current Code allows **parents to give reasons for their preferences**. It is not clear if or how this information is to be used or why parents should need to give reasons.

Again allows parents to give reasons (page 18)

- It should be made clear as in the current Code (page 24 paragraph 1.76) that the local authority must not inform the admission authority of the **rank order of the parents' preferences**.

This seems to have gone

- **School closure:** This should be reversed. i.e. schools in an area where a closure is taking place must collaborate with the local authority to ensure provision which will best meet the needs of the children affected. Unless there is an onus on all schools to co-operate, some are unlikely to do so and other schools likely to take more than their fair share of displaced pupils.

Not reversed, onus is on LA to collaborate (page 23).

- Comprehensive Future wants to see **own admission authorities allowing another body to manage admissions** ie deciding which applicants meet oversubscription criteria. This would be more transparent and remove a burden from schools. Regulations already allow this – so local authorities could manage admissions for all schools. We would like to see a clear reference and encouragement to do this included in the Code.

No reference to this

- The draft includes the statement – a **parent can apply for any place for their child at any state-funded school in any area**. This is strictly true but there should be a reminder that for selective schools, children have to qualify.

Now under section about in year applications (page 22)

- The current Code includes a **glossary** – this should be included.

Not there

November 10 2011

info@comprehensivefuture.org.uk

**Comprehensive Future
PO Box 44327 London SW20 0WD
www.comprehensivefuture.org.uk**